

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES, P.C.,)	
SPECIAL DEPUTY RECEIVER OF LINCOLN)	
MEMORIAL LIFE INSURANCE COMPANY,)	
MEMORIAL SERVICE LIFE INSURANCE)	
COMPANY, AND NATIONAL)	
PREARRANGED SERVICES, INC.; ET AL.,)	
Plaintiffs,)	Case No. 09-CV-1252-ERW
v.)	
J. DOUGLAS CASSITY; RANDALL K.)	
SUTTON; BRENT D. CASSITY; J. TYLER)	
CASSITY; RHONDA L. CASSITY; ET AL.,)	
Defendants.)	

**STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE
OF COMPLAINT AGAINST DEFENDANT ROXANNE SCHNIEDERS**

Plaintiffs and Defendant Roxanne Schnieders, under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving dismissal with prejudice of Plaintiffs' claims against Defendant Roxanne Schnieders, as contained in Plaintiffs' Third Amended Complaint. Defendant Schnieders has not pleaded a counterclaim or filed a motion for summary judgment. Defendant Schnieders and Plaintiffs' counsel agree to this dismissal with prejudice on the conditions set forth below:

1. Defendant Schnieders shall voluntarily appear at depositions, hearings, and trial in above-captioned case. Specifically, Defendant Schnieders shall:
 - a. accept service by mail or electronic transmission of notices or subpoenas issued by Plaintiffs for testimony at depositions, hearings, or trials;
 - b. with respect to such notices and subpoenas, waive the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and

any applicable local rules, provided Plaintiffs reimburse Defendant Schnieders for travel and lodging at a reasonable rate; and

- c. consent to personal jurisdiction in any United States District Court for purposes of enforcing any such subpoena.

2. Plaintiffs' dismissal with prejudice against Defendant Schnieders shall not affect Plaintiffs' claims contained in Plaintiffs' Third Amended Complaint against the remaining defendants.

3. Plaintiffs and Defendant Schnieders stipulate and agree to this dismissal with prejudice.

**DEFENDANT ROXANNE SCHNIEDERS' (N/K/A ROXANNE SARGENT)
CONSENT TO DISMISSAL WITH PREJUDICE**

Defendant Schnieders consents to, and requests the Court to enter an order, granting this stipulated dismissal with prejudice.



Defendant Roxanne Schnieders
n/k/a Roxanne Sargent



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(n/k/a Roxanne Sargent)*

Dated this 12th day of February, 2014.

Respectfully submitted,

s/ Wendy B. Fisher

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Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2014, the foregoing **STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT AGAINST DEFENDANT ROXANNE SCHNIEDERS** was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on February 12, 2014, the foregoing was sent by United States Postal Service or by electronic means, as indicated below, to the following non-participants in Electronic Case Filing:

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s/ Wendy B. Fisher

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